

PALMER TOWNSHIP PLANNING COMMISSION
PUBLIC MEETING - TUESDAY, FEBRUARY 9, 2021 - 7:00 PM
ZOOM MEETING 819 3030 4783
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The February 2021 meeting of the Palmer Township Planning Commission was held on Tuesday February 9, 2021 at 7:00 pm via Zoom with the following in attendance: Chairman Robert Blanchfield, Jeff Kicska, Robert Lammi, Robert Walker, Michael Brett and Chuck Diefenderfer. Also in attendance were Solicitors Charles Bruno and Andrew Gould, Ron Gawlik of the Pidcock Company, Planning Director Cynthia Carman Kramer, Rebecca Frederickson and Supervisor Jeff Young.

1. Appointment of Secretary

Blanchfield announced that Kathy Sciascia was no longer with the Township and expressed the Planning Commission's appreciation for a job well done while she was taking minutes and acting as Secretary. Kramer introduced Rebecca Frederickson, an employee at the Township, who will be helping out the Planning Commission in the future with taking minutes.

Blanchfield called for a nomination for the position of Secretary of the Palmer Township Planning Commission. Lammi nominated Kramer to serve as Secretary, seconded by Diefenderfer.

Motion: Confirm, Moved by Robert Lammi, Seconded by Chuck Diefenderfer. Passed. 6-0. Commission Members voting Ayes: Blanchfield, Brett, Diefenderfer, Kicska, Lammi, Walker
Commission Members Absent: Wilkins

2. Minutes of January 2021 Public Meeting

Motion: Approve, Moved by Robert Lammi, Seconded by Robert Walker. Passed. 6-0. Commission Members voting Ayes: Blanchfield, Brett, Diefenderfer, Kicska, Lammi, Walker
Commission Members Absent: Wilkins

OLD BUSINESS

3. Villages at Wolf's Run - Revised Preliminary & Phase 1 Final Subdivision Plan
Van Buren Road - K8-14-4 & K8-15-2
MDR & HDR-2 District
Request by Wolf's Run Land, LLC

DISCUSSION

Present for the applicant were Michael Tuskes and Phil Malitsch of Hanover Engineering.

Blanchfield gave a summary of the application. A preliminary subdivision plan for

this development was approved by the Board of Supervisors in November 2007. The plan proposed the construction of 249 townhouse and twin dwelling units on a 60+ acre tract, in two separate sections divided by the Schoeneck Creek. The "West Village" proposed 142 units with access from Van Buren Road and the "East Village" proposed 107 units with access through the existing Wolf's Run neighborhood.

The current plans propose a change in the phasing sequence of the development and redistribution of the allocation of some of the units. The proposed Phase 1 final plan, consisting of a large portion of the East Village, would contain 103 units. A pending conditional use application seeks to allow 13 of the 4-unit townhouse buildings in the East Village to be 5-unit buildings, which would result in a total of 135 units in the East Village.

Bruno asked Tuskes for clarification on property ownership, specifically what Tuskes has acquired and what they are in agreement to acquire. Tuskes explained that the project is made up of four parcels. Gary Strausser owned 3 parcels and was equitable owner of the Sacco piece on the Southwest corner. Tuskes owns the Northeast portion of the property (Lot 200 to the cul-de-sac at the bottom of the East Village) and is equitable owner of two parcels (one under Wolf's Run LLC and one under Gary Strausser Enterprises). Tuskes is under the impression that Gary Strausser, as the equitable owner, is working with Sacco to acquire so it becomes one parcel of the West Village. Bruno asked for a depiction of what Tuskes owns and what is under agreement. Tuskes and Malitsch used the provided plans for further explanation on the parcels and property ownership lines. Bruno questioned if all property on the preliminary plan is either owned by Wolf's Land Run, LLC or is under agreement. Tuskes confirmed this. Bruno asked for clarification that what Tuskes acquired was already a pre-existing tax ID parcel that had already been created and the proposal was to merge parcels as part of this preliminary plan and that the plan is to buy all property. Tuskes confirmed.

Bruno tried to get Strausser's confirmation that he will assign over to Wolf's Land Run, LLC all of the preliminary plan rights in this property, but received pushback from Strausser's attorney. Under the current preliminary plan approval, the deadline to file final plan submissions on all aspects of the preliminary plans is February 28, 2021. Wolf's Land Run, LLC and the Strausser organization need to make a joint request for an extension of time to file plan submissions for this entire project. Bruno also requested a copy of the agreements of sale on the property. Bruno explained to the Planning Commission members that the preliminary plan approval stays in effect for 5 years and that Palmer Township has already provided extensions. Since Strausser's attorney would not assign over the development rights, for the time being, the Township will have to proceed with both developers, until this is worked out.

Blanchfield stated the Planning Commission's concerns over the traffic flow onto Scotty Drive and Stephanie Drive. During the January 2021 meeting, there was discussion on the possibility of extending the Northern cul-de-sac for a roadway over to Van Buren Road. Malitsch used plans to show where this road could work on the Northwest piece of the property. This road would hug the

FEMA designated floodway line and would be a thoroughfare. This design would eliminate a cul-de-sac, which comes off of the East Village, as well as four or five parking spaces, which need to be relocated.

Lammi questioned when this road would be constructed for use by residents. Tuskes responded that the road would be completed with Phase 2. He is not comfortable with the cost to design this without the Board of Supervisor's approval. Bruno asked what is Phase 2. Tuskes explained that Phase 2 is the second part of the East Village. Bruno asked how many phases are associated with this project. Malitsch explained that there will be 3 phases. Phase 2 is the cul-de-sac at the East Village and Phase 3 is the West Village construction. Bruno thought the plan was for the road to be done as part of Phase 1. Blanchfield expressed concern for the traffic and felt the building of the units was tied directly to the road. Tuskes doesn't think that the road could go in Phase 1 due to NDPEs permits. Malitsch explained that Phase 1 includes installation of the stormwater basin and a lot of temporary infrastructure and E&S facilities in that location. They weren't planning on installing sanitary and water facilities in those cul-de-sacs in Phase 1. All infrastructure and utilities would need to go in before the road is paved. Bruno questioned when Phase 2 would be done. Tuskes believes this is dependent on the market. Bruno asked if the preliminary plan revision shows the road being completed in Phase 2. Malitsch indicated that right now the road is not shown in any phase on the preliminary plan. Tuskes would like reassurance from the Board of Supervisors that the road is wanted before he spends the money to design it. Bruno stated that the Board of Supervisors doesn't want to see a plan that isn't the same plan that was put before the Planning Commission for review and recommendation. Tuskes and Malitsch would propose to construct the road with Phase 2. Bruno asked if they would develop a preliminary plan showing this road as part of Phase 2. Bruno expressed concern for traffic and the need to get to the properties in the event of an emergency and would suggest construction of the road be tied to certificates of occupancy for Phase 1. Blanchfield would also want the townhouses constructed in Phase 1 to have the road access to Van Buren. Tuskes stated this would not be possible with how construction is laid out in Phase 1. Bruno expressed concern over the timing on when this road goes in, the Van Buren road improvements, and when the phases will be completed. Tuskes needs commitment from the Board of Supervisors and a confirmation of the conditional use in order to move forward. Lammi referenced Tuskes' concerns on spending a lot of money on design of the road and asked if this particular issue could be brought before the Board of Supervisors for feedback. Bruno indicated that it would be irregular to ask the Board of Supervisors about only part of the plan. Tuskes stated his concern over the conditional use for the five-unit townhouses. Bruno would not make a recommendation for the Planning Commission to make a decision on only part of the application. Bruno stated that the health, safety, and welfare concern associated with the conditional use is what brought about the request for the road as a solution to the concerns on Wolf Run's neighborhood, no matter how many units.

Blanchfield requested clarification on how much of the storm management system will be done with Phase 1. Malitsch confirmed that the entire storm system will be installed with Phase 1. This does not include the water and sewer

for the cul-de-sac. Gawlik asked for clarification of the plans and if the roads will be graded in Phase 1. Malitsch confirmed roads will be rough graded.

Blanchfield referenced an issue with the lot depth to width ratio addressed in the Pidcock letter. The old proposal included a waiver applied to 45 or 46 lots with a ratio of 4 & 5 to 1. Gawlik explained that there were several waivers and deferrals granted as part of the 2008 approvals. The new proposal applies to 76 lots with a ratio of 5 & 6 to 1. More units would have thinner and longer lots. Pidcock requested the needed reliefs on these lots on their next submission. Malitsch explained that under the old proposal, the narrowest unit was 30 feet wide. Under the new proposal, the narrowest unit is 22 feet wide. The depth of the lots remains the same. If Wolf's Run Land, LLC held the ratios, they'd be shrinking rear yards.

Blanchfield questioned the progress of the bike path on the property. Kramer indicated the preferred location of the bike path on the plans. It will run along the south side of the property where it adjoins Fox Run Park. This location would allow for improved access to the Township's sewer line on the south side of the Schoeneck Creek and would connect to the pedestrian bridge in the existing Wolf Run neighborhood. The Township would be agreeable to the path connecting in the park space.

Blanchfield asked about the Meilinger driveway access. Malitsch stated that the Meilinger driveway will have to be relocated due to the development road in the West Village that is south of the bridge, as stated in the original agreement. Tuskes believes that there was an executed agreement between Palmer Township, Strausser, and Meilinger. Bruno stated that the status of this agreement needs to be confirmed.

Blanchfield asked for clarification on the level spreaders. Malitsch used plans to indicate in the south section, a riparian buffer spreader. Pipe runs in the vicinity and low flow events would progress to level spreaders and into the riparian buffer. Higher flow events would discharge to a traditional outfall to the south. In the north section, a stormwater basin is connected to another riparian buffer along the creek. There is a hybrid irrigation system to that buffer. There was a revision switching from an underground facility to a traditional aboveground facility.

Blanchfield questioned if provisions are in place to protect the Meilinger property from overflow. Malitsch explained that there are swales at the back of the Meilinger property and they corrected depth grades in swales on the rear of townhouses to prevent unintended run off crossing over property lines.

Jeff Young asked about drainage in the riparian buffer for the lower cul-de-sac. Gawlik asked for confirmation that the cul-de-sac and level spreader are outside the riparian buffer and Malitsch confirmed this. Lammi asked if Malitsch can color code plans in order to clear up confusion. Malitsch confirmed. Blanchfield asked if a revised traffic study was needed. Gawlik indicated this would be necessary due to the new road discussion and the new connection to Van Buren Road. There would be less development traffic going through residential

neighborhoods.

Blanchfield mentioned Pidcock's letter references the conditional uses of off-street parking and enlargement of townhouses (thirteen 5- or 6-unit townhouses in Phase 1). Blanchfield questioned outstanding issues referenced in the July 2020 letter from the lighting consultant. Kramer indicated that plans were sent, but a letter wasn't received back yet. Kramer stated a revised letter was received on Tuesday, February 9, 2021 from the Township's Geotechnical Engineer. This letter expressed a concern over a carbonate study indicating suspected sinkholes situated near the existing sanitary sewer easement and requested that Scott Kistler be consulted. Also, stated that spray irrigation plans were not provided for review. There was a letter from July 2006 that recommended not infiltrating stormwater on-site and the engineer would like to review these documents. Malitsch explained that a revised carbonate study was prepared and submitted and they were aware of the need to remediate the sinkholes. Blanchfield asked about the Lehigh Valley Planning Commission. Malitsch stated that they submitted to both the Lehigh Valley Planning Commission and the Township at the same time, but haven't heard back from Lehigh Valley yet. Kramer indicated Lehigh Valley would likely discuss during the February meeting.

Tuskes stated that the main issue for next month's discussion would be the road and how soon it will be done. Blanchfield requested clarification of plans with color coding for Phase 1 and Phase 2. Tuskes confirmed. Bruno suggested that since there were so many interested parties present that after the motion is made to allow for public comment. Kramer stated the Planning Commission is clearly in support of the road in support of the conditional use request and she didn't see the need for this issue to go before the Board of Supervisors for an opinion. She didn't think the Board of Supervisors would oppose better traffic situations. She wouldn't suggest the plans going to the Board of Supervisors in their current state considering the Planning Commission's confusion over the plans. Young expressed his support of the road and of creating better traffic flow. He agreed the plan isn't ready to go to the Board of Supervisors without showing the proposed road. Lammi stated the road would provide connectivity, instead of shoving traffic through another development in order to get to a main road.

Shirley Maiorca, 13 Kent Lane, was concerned about the road going into Van Buren Road because that area floods often and asked what would be done to protect Glenmoor properties. Malitsch explained that the road will flood since it's going to be built in the floodplain, but it will be designed to continue to pass water overtop and around it, just like that area drains now. The runoff would move towards the creek and there would be no additional water for Glenmoor.

John Hellwig, 74 Glenmoor Circle, asked if the treeline between Glenmoor and the new development would remain. Malitsch explained that some trees will come down on the eastern side of the property line, but that 35 feet of the existing buffer will be maintained. To the West, all vegetation will remain in the lower floodplain area with the exception of what would be taken for the road. Blanchfield requested Malitsch submit a plan so that this can be viewed.

Dorothy Wilson, 172 Glenmoor Circle, expressed her concern for the traffic impact to Van Buren Road.

Richard Rocca, 118 Glenmoor Circle South, stated that 114, 116, and 118 Glenmoor Circle South properties require flood insurance and questioned if flood insurance would still be required with the alterations being done to the area. Malitsch explained that the floodplain boundary is on the property line and that he believes flood insurance would still be necessary.

Matthew and Rita DeFranco, 116 Scotty Drive, asked for the anticipated completion date for Phase 1 and 2. Tuskes stated that they are anticipating an estimated three year build out for Phase 1 and that construction traffic would come off Van Buren Road, not through the existing Wolf's Run neighborhood.

Alice Stolarz, 154 Glenmoor Circle North, asked for the total number of homes. Malitsch stated that the entire project would result in 247 homes total. Stolarz was concerned about how traffic would be regulated on Van Buren and Corriere Roads, and the maintenance of the treeline.

Sarah Etzold, 78 Glenmoor Circle South, would like to see the treeline buffer maintained, and stated that there are swales in the backyards of all of the homes from 74 Glenmoor to the west which go into a drainage holding grate.

Beverly and Jim Togno, 138 Glenmoor Circle South, asked if the new proposed road is permissible in the floodplain. Malitsch stated they would follow the Township's floodplain ordinance.

Seeing no further comments or questions, the Commission voted to table the application.

Motion: Tabled, Moved by Robert Lammi, Seconded by Michael Brett. Passed. 6-0. Commission Members voting Ayes: Blanchfield, Brett, Diefenderfer, Kicska, Lammi, Walker
Commission Members Absent: Wilkins

NEW BUSINESS

4. 170 Commerce Lane Building Expansion - Preliminary/Final Land Development Plan
170 Commerce Lane - J8-27A1G
PO/IP District
Request by Maxann Group, LLC

DISCUSSION

Present for the applicant was Greg Elko of Langan Engineering.

The plans propose the construction of a 59,896-square foot addition to an existing 129,300-square foot limited distribution/training facility (Porsche) on a

13.15-acre lot. The property is located in the Planned Office/Industrial Park (PO/IP) zoning district, within the Chrin Commerce Center subdivision. The proposed use is permitted as a conditional use in this district, and this building and use, including expansion of the building, were approved by the Board of Supervisors on September 23, 2008.

Blanchfield stated that Pidcock's letter dated February 3, 2021, references 6 waivers that were approved by the Board of Supervisors in September 2008 and 9 variances that were granted by the Zoning Hearing Board in October 2008. Bruno confirmed these are still current and acceptable and run with the land. Blanchfield stated that Pidcock's letter indicates that the stormwater management design submitted in October 2008 was anticipated and part of the original development. Gawlik confirmed and recommended engineering approval of the plan with some drafting and clean up items.

Elko stated that the current expansion is 59,986-square feet, which is less than the originally approved 70,000-square foot expansion. The old expansion included a parking field associated with it, but no additional parking is needed than what the site currently has. Impervious coverage is less, so stormwater management facilities are more than adequate. No changes are being made to any previously approved ordinances or variances. This is a limited expansion land development, less than what was originally proposed. Anticipated construction would start Summer 2021, as long as all permits and approvals are met, and would wrap up by Winter 2021 or early Spring 2022. Maxann Group agrees to comply with the review letters received to date.

Blanchfield questioned if there was anything additional from the Township Geotechnical Engineer. Kramer read from the Township Geotechnical Engineer's letter dated February 8, 2021 stating that the existing infiltration basin is continuously full of water and doesn't appear to infiltrate. The Geotech requests the applicant demonstrate that the existing stormwater management system is functioning as designed or provide recommendations for remedial efforts to return it to proper function. Elko stated that Maxann Group is under a corrective action plan, which went into effect in December 2020, to remediate the basin. Maxann Group is in the process of doing the necessary testing and getting the NPDES permit to fix the basin. This issue will either be fixed right before construction or in accordance with it. Blanchfield questioned who will be monitoring this issue. Elko confirmed that the Conservation District has authority over this issue and will monitor to make sure that this correction is done. He added that the NPDES permit application for expansion and remediation was submitted February 8, 2021 and Palmer Township was provided with copies of the application, as required. Gawlik stated that Pidcock will review the NPDES permit plan and that if there is any involvement necessary with Palmer Township, the Township Geotechnical Engineer will coordinate it.

Blanchfield stated that the normal building plan review will take place by Base Engineering. The Fire Commissioner has accepted the compacted gravel emergency access road. Kramer agreed his comments indicated this. Blanchfield stated that the recreation fees have been paid with the original approval and that the utility fees were listed for review.

Seeing no other questions or comments, Blanchfield called for a motion.

The Commission voted to recommend approval of the plan by the Board of Supervisors, subject to the following conditions:

1. Comments of the Township Engineer's letter dated February 3, 2021 are satisfactorily addressed.
2. Township Departmental comments dated February 5, 2021 are satisfactorily addressed.
3. Comments of the Township Geotechnical Engineer's letter dated February 8, 2021 are satisfactorily addressed.
4. Comments of the Township Lighting Consultant are satisfactorily addressed.
5. Any comments of the Lehigh Valley Planning Commission are satisfactorily addressed.

Motion: Approve w/ Conditions, Moved by Robert Walker, Seconded by Jeff Kicska. Passed. 6-0. Commission Members voting Ayes: Blanchfield, Brett, Diefenderfer, Kicska, Lammi, Walker
Commission Members Absent: Wilkins

PLANNING DIRECTOR COMMENTS

None.

Commission Members Absent: Wilkins

PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 9:05 pm.

Motion: Adjourn, Moved by Robert Walker, Seconded by Chuck Diefenderfer. Passed. 6-0. Commission Members voting Ayes: Blanchfield, Brett, Diefenderfer, Kicska, Lammi, Walker
Commission Members Absent: Wilkins